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May 14, 2024

VIA ECF

Hon. Rachel P. Kovner
District Judge
United States District Court
225 Cadman Plaza East
Courtroom: 4E-N
Brooklyn, New York 11201

Re: American Transit Insurance Co. v. Pierre et al., 1:24-cv-00360-RPK-CLP

Dear Judge Kovner:

We are counsel to American Transit Insurance Company (“ATIC”), the Plaintiff in the above-referenced matter, and write to follow up on yesterday’s hearing concerning Plaintiff’s motion for a preliminary injunction (ECF Nos. 25 - 27).

As discussed during the hearing, Dr. Marvin Moy, who is the record owner of Defendant Rutland Medical P.C. (“Rutland”), has been reported missing since October 2022, and is presumed dead. We attach correspondence from the United States Coast Guard confirming the fact of Dr. Moy’s disappearance. The Coast Guard letter was filed by his counsel in the criminal action, *United States v. Pierre et al., 22-CR-19 (PGG)*, in seeking to dismiss the indictment against him on account of his disappearance. Dr. Moy nonetheless remains a defendant in that action and has not appeared in this case.¹

Unsurprisingly, Rutland has also not appeared in this action and is the subject of a default judgment motion (ECF Nos. 34 - 38). Service of the motion papers was recently attempted at Rutland’s last known address in Brooklyn, but the overnight mail package was returned with a notation that Rutland is no longer located at that address. (*See* ECF No. 50.)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. W. Perkins", written over a horizontal line.

James W. Perkins

cc: All Counsel of Record

¹ The Court granted ATIC’s motion for substituted service (ECF No. 42) and that service was complete on Moy on April 26, 2024. Plaintiff will seek issuance of a default certificate and then move for judgment in the near term.

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Sector Long Island Sound

120 Woodward Ave
New Haven, CT 06512
Phone: (203) 468-4472

16732 / 23-282
October 11, 2023

Fong Moy

[REDACTED]
Morristown, NJ [REDACTED]

Subj: LETTER OF PRESUMED DEATH

In accordance with Title 46, United States Code, Section 6301, the U.S. Coast Guard has conducted an investigation into the disappearance of Marvin Moy during a fishing trip on board the recreational vessel SURE SHOT, registration #978662, approximately 16 nautical miles off the coast of Long Island, New York, on October 13, 2022. Marvin Moy was not found in the ensuing search and is presumed dead.

The United States Coast Guard does not issue Death Certificates. A coroner or medical examiner issues a Death Certificate after remains have been found or positively identified. Since no remains have been found, this letter documents the loss and presumptive death of Marvin Moy, in lieu of a Death Certificate.

The U.S. Coast Guard activity number and case number for the investigation into the disappearance of Marvin Moy are Activity #7577027/Case #1325470. When the investigation is concluded, a copy of the investigation can be obtained by submitting a Freedom of Information Act Request to Commandant (CG-611) at efoia@uscg.com, or via mail:

Commandant (CG-611)
US Coast Guard Stop 7710
2703 Martin Luther King Jr. Ave SE
Washington, D.C. 20593-7710

Sincerely,

A handwritten signature in black ink, appearing to read "E. M. Garrity".

E. M. Garrity
Captain, U. S. Coast Guard
Commander, Sector Long Island Sound